

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

**GENERAL POWERS AND DUTIES**

**324.501 Department of natural resources; creation; powers and duties; commission of natural resources; creation; powers; appointment, qualifications, and terms of members; vacancy; removal; meetings; secretary; chairperson; quorum; conducting business at public meeting; notice; appointment and employment of director; appointment of deputy director, assistants, and employees; powers and duties of persons delegated decision making authority; vacancy in office of director; compensation and expenses; offices and equipment; oath.**

Sec. 501. (1) A department of natural resources for this state is created which shall possess the powers and perform the duties granted and imposed by this act and as otherwise provided by law.

(2) The commission of natural resources is created as the head of the department of natural resources and may establish general policies related to natural resources management and environmental protection for the guidance of the director. In addition, the commission has appellate authority as provided in section 1101. The commission shall be composed of 7 members, not more than 4 of whom shall be members of the same political party, appointed by the governor by and with the advice and consent of the senate. A member of the commission shall be selected with special reference to that person's training and experience related to at least 1 of the principal lines of activities vested in the department of natural resources and the ability and fitness of that person to deal with those activities. The term of office of each member of the commission shall be 4 years. The governor shall fill a vacancy occurring in the membership of the commission and may remove a member of the commission for cause after a hearing. Each member of the commission shall hold office until the appointment and qualification of that member's successor.

(3) The commission, within 30 days after having qualified and annually after that time, shall meet at its office in Lansing and organize by appointing a secretary, who need not be a member of the commission. The governor shall appoint a chairperson of the commission from among its members, who shall serve as chairperson at the pleasure of the governor. Four members of the commission constitute a quorum for the transaction of business. The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. A meeting may be called by the chairperson and shall be called on request of a majority of the members of the commission. A meeting may be held as often as necessary and at other places than the commissioners' offices at Lansing. The commission shall meet at least once each month.

(4) The commission shall appoint and employ a director who shall continue in office at the pleasure of the commission. The director shall appoint 1 or more deputy directors and other assistants and employees as are necessary to implement this part and any other law of this state affecting the powers and duties of the department of natural resources. A person to whom the director has lawfully delegated decision making authority in writing may perform a duty or exercise a power conferred by law upon the department at the time and to the extent the duty and power is delegated to that person by the director. When a vacancy in the office of director occurs, or the director is unable to perform the director's duties or is absent from the state, the powers and duties of the director as prescribed by law shall be imposed on and transferred to a deputy director until the vacancy is filled or the director's inability or absence from the state ceases.

(5) The compensation of the deputy directors, the assistants, and the employees and the number of assistants and employees shall be subject to the approval of the state administrative board. The members of the commission shall not receive compensation under this part, but each member and the other officers and employees of the department of natural resources shall be entitled to reasonable expenses while traveling in the performance of their duties prescribed by this act. The salaries and expenses authorized under this act shall be paid out of the state treasury in the same manner as the salaries of other state officers and employees are paid. The department of management and budget shall furnish suitable offices and office equipment, at Lansing, for the use of the department of natural resources. Each member of the commission and the director shall qualify by taking and subscribing to the constitutional oath of office and by filing it in the office of the secretary of state.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**Administrative rules:** R 323.2101 et seq. and R 324.1501 et seq. of the Michigan Administrative Code.

### **324.501a Jurisdiction, rights, and responsibilities of Great Lakes states and provinces.**

Sec. 501a. The Great Lakes are a binational public treasure and are held in trust by the Great Lakes states and provinces. Management of the water resources of the Great Lakes and the Great Lakes basin is subject to the jurisdiction, rights, and responsibilities of the Great Lakes states and provinces. Effective management of the water resources of the Great Lakes requires the in-basin exercise of such jurisdiction, rights, and responsibilities in the interest of all the people of the Great Lakes basin.

**History:** Add. 2002, Act 148, Imd. Eff. Apr. 5, 2002.

**Compiler's note:** Enrolled House Bill No. 5118 was not signed by the Governor, but, having been presented to him at 3:44 p.m. on March 22, 2002, and not having been returned by him to the House of Representatives within the 14 days prescribed by Const 1963, art IV, sec 33, became law (2002 PA 148) on April 5, 2002, the Legislature having continued in session.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.502 Rules; powers of department; contracts for taking and storage of mineral products; disposition and use of money; drilling operations for taking oil or gas from lake bottomlands of Great Lakes; prohibition; compliance with applicable ordinances and statutes.**

Sec. 502. (1) The commission may promulgate rules, not inconsistent with law, governing its organization and procedure.

(2) The department may do 1 or more of the following:

(a) Promulgate and enforce reasonable rules concerning the use and occupancy of lands and property under its control in accordance with section 504.

(b) Provide and develop facilities for outdoor recreation.

(c) Conduct investigations it considers necessary for the proper administration of this part.

(d) Remove and dispose of forest products as required for the protection, reforestation, and proper development and conservation of the lands and property under the control of the department.

(e) Require the payment of a fee as provided by law for a daily permit or other authorization that allows the person to hunt and take waterfowl on a public hunting area managed and developed for waterfowl.

(3) Except as provided in subsection (4), the department may enter into contracts for the taking of coal, oil, gas, and other mineral products from state owned lands, upon a royalty basis or upon another basis, and upon the terms the department considers just and equitable subject to section 502a. This contract power includes authorization to enter into contracts for the storage of gas or other mineral products in or upon state owned lands, if the consent of the state agency having jurisdiction and control of the state owned land is first obtained. A contract permitted under this section for the taking of coal, oil, gas, or metallic mineral products, or for the storage of gas or other mineral products, is not valid unless the contract is approved by the state administrative board. Money received from a contract for the storage of gas or other mineral products in or upon state lands shall be transmitted to the state treasurer for deposit in the general fund of the state to be used for the purpose of defraying the expenses incurred in the administration of this act and other purposes provided by law. Other money received from a contract permitted under this subsection, except money received from lands acquired with money from the former game and fish protection fund or the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010, shall be transmitted to the state treasurer for deposit in the Michigan natural resources trust fund created in section 35 of article IX of the state constitution of 1963 and provided for in part 19. However, the money received from the payment of service charges by a person using areas managed for waterfowl shall be credited to the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010 and used only for the purposes provided by law. Money received from bonuses, rentals, delayed rentals, royalties, and the direct sale of resources, including forest resources, from lands acquired with money from the former game and fish protection fund or the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010 shall be credited to the Michigan game and fish protection trust fund established in section 41 of article IX of the state constitution of 1963 and provided for in part 437, except as otherwise provided by law.

(4) The department shall not enter into a contract that allows drilling operations beneath the lake bottomlands of the Great Lakes, the connected bays or harbors of the Great Lakes, or the connecting waterways as defined in section 32301, for the exploration or production of oil or gas.

(5) This section does not permit a contract for the taking of gravel, sand, coal, oil, gas, or other metallic

mineral products that does not comply with applicable local ordinances and state law.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 61, Imd. Eff. May 24, 1995;—Am. 1996, Act 272, Imd. Eff. June 12, 1996;—Am. 1998, Act 114, Imd. Eff. June 9, 1998;—Am. 2002, Act 148, Imd. Eff. Apr. 5, 2002;—Am. 2004, Act 587, Eff. Dec. 23, 2006.

**Compiler's note:** Enrolled House Bill No. 5118 was not signed by the Governor, but, having been presented to him at 3:44 p.m. on March 22, 2002, and not having been returned by him to the House of Representatives within the 14 days prescribed by Const 1963, art IV, sec 33, became law (2002 PA 148) on April 5, 2002, the Legislature having continued in session.

Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular name:** Act 451

**Popular name:** NREPA

**Administrative rules:** R 323.2101 et seq.; R 324.1501 et seq.; and R 324.14501 et seq. of the Michigan Administrative Code.

### **324.502a Designation of state land reserve; petition, recommendation, or motion; eligibility for commission consideration; public testimony; issuance of commission recommendation; offer and adoption of resolution by legislature; purchase, trade, or acquisition of other holdings.**

Sec. 502a. (1) Upon petition by a person, recommendation of the department, or its own motion, the commission shall place on its agenda at an upcoming meeting of the commission the question of designation of a state land reserve. The petition, recommendation, or motion shall include the land proposed for inclusion within the state land reserve and a rationale for its inclusion. A tract of land is eligible for commission consideration for designation as a state land reserve if it includes at least 640 contiguous acres of state owned land and contains 1 or more of the following:

- (a) A critical dune as regulated under part 353.
- (b) A high-risk area regulated under part 323.
- (c) A wetland regulated under part 303.
- (d) An endangered species protected under part 365.
- (e) A wilderness area or natural area regulated under part 351.
- (f) A natural river regulated under part 305.
- (g) Any other significant surface or subsurface natural feature or area of environmental sensitivity.

(2) Prior to making its recommendation on the designation of a state land reserve, the commission shall receive public testimony on the issue. After considering the public testimony, the commission shall issue a written recommendation to the legislature on whether or not the commission believes a state land reserve should be designated. In making its recommendation, the commission shall consider the need for a buffer zone surrounding the land to eliminate the potential drainage of oil and gas. The commission may expand or restrict the land area proposed for the state land reserve. The commission shall include with the recommendation a rationale for its recommendation.

(3) Upon receipt of a recommendation from the commission under subsection (2), a member of the legislature may offer a resolution to create a state land reserve pursuant to section 5 of article X of the state constitution of 1963. The resolution is not required to conform to the recommendation of the commission. When considering this resolution, the legislature shall also consider the need for a buffer zone surrounding the land to eliminate the potential drainage of oil and gas.

(4) If the legislature adopts the resolution under subsection (3) by 2/3 of the members elected to and serving in each house, a state land reserve is designated. Pursuant to section 5 of article X of the state constitution of 1963, land within a state land reserve shall not be removed from the reserve, sold, leased, or otherwise disposed of except by a resolution of the legislature.

(5) Upon designation of a state land reserve under subsection (4), the department shall attempt to purchase, trade, or otherwise acquire any holdings within the contiguous area of the state land reserve that improve ownership patterns, including any severed mineral rights. The owner of an inholding described in this subdivision who offers that land or interest in that land for sale or lease, if that land transfer is subject to the state transfer tax, shall first offer that land or interest in land to the state and shall give the state a right of first refusal.

**History:** Add. 1998, Act 114, Imd. Eff. June 9, 1998.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.503 Duties of department; powers and jurisdiction; acquisition of surface rights to land;**

**limitations; record; strategic plan; statement; volunteers; granting concessions; lease and sale of land; reservation of mineral rights; sale of economic share of royalty interests; definitions.**

Sec. 503. (1) The department shall protect and conserve the natural resources of this state; provide and develop facilities for outdoor recreation; prevent the destruction of timber and other forest growth by fire or otherwise; promote the reforestation of forestlands belonging to this state; prevent and guard against the pollution of lakes and streams within this state and enforce all laws provided for that purpose with all authority granted by law; and foster and encourage the protection and propagation of game and fish.

(2) The department has the power and jurisdiction over the management, control, and disposition of all land under the public domain, except for those lands under the public domain that are managed by other state agencies to carry out their assigned duties and responsibilities. On behalf of the people of this state, the department may accept gifts and grants of land and other property and may buy, sell, exchange, or condemn land and other property, for any of the purposes of this part. Beginning September 30, 2012, the department shall not acquire surface rights to land unless the department has estimated the amount of annual payments in lieu of taxes on the land, posted the estimated payments on its website for at least 30 days, and notified the affected local units of the estimated payments at least 30 days before the acquisition.

(3) Before May 1, 2015, the department shall not acquire surface rights to land if the department owns, or as a result of the acquisition will own, the surface rights to more than 4,626,000 acres of land.

(4) Beginning May 1, 2015, the department shall not acquire surface rights to land north of the Mason-Arenac line if the department owns, or as a result of the acquisition will own, the surface rights to more than 3,910,000 acres of land north of the Mason-Arenac line. This subsection does not apply after the enactment of legislation adopting the strategic plan.

(5) For the purposes of subsections (3) and (4), the number of acres of land in which the department owns surface rights does not include any of the following:

(a) Land in which the department has a conservation easement.

(b) Land platted under the land division act, 1967 PA 288, MCL 560.101 to 560.293, or a predecessor act before July 2, 2012 if acquired by the department before July 2, 2012.

(c) Any of the following if acquired on or after July 2, 2012:

(i) Land with an area of not more than 80 acres, or a right-of-way, for accessing other land owned by the department.

(ii) A trail, subject to all of the following:

(A) If the traveled portion of the trail is located within an abandoned railroad right-of-way, the land excluded is limited to the abandoned railroad right-of-way.

(B) If the traveled portion of the trail is located in a utility easement, the land excluded is limited to the utility easement.

(C) If sub-subparagraphs (A) and (B) do not apply, the land excluded is limited to the traveled portion of the trail and contiguous land. The area of the contiguous land shall not exceed the product of 100 feet multiplied by the length of the trail in feet.

(iii) Land that, on July 2, 2012 was commercial forestland as defined in section 51101 if the land continues to be used in a manner consistent with part 511.

(iv) Land acquired by the department by gift, including the gift of funds specifically dedicated to land acquisition.

(v) Land acquired by the department through litigation.

(6) The department shall maintain a record of land as described in subsection (5)(a) to (c). The record shall include the location, acreage, date of acquisition, and use of the land. The department shall post and maintain on its website all of the following information:

(a) The number of acres of land, including land as described in subsection (5), in which the department owns surface rights north of the Mason-Arenac line, south of the Mason-Arenac line, in total for this state, and by program.

(b) The number of acres of land, excluding land as described in subsection (5), in which the department owns surface rights north of the Mason-Arenac line, south of the Mason-Arenac line, in total for this state, and by program.

(7) By October 1, 2014, the department shall develop a written strategic plan to guide the acquisition and disposition of state lands managed by the department, submit the plan to the senate and house committees with primary responsibility for natural resources and outdoor recreation and the corresponding appropriation subcommittees, and post the plan on the department's website. In developing the plan, the department shall solicit input from the public and local units of government.

- (8) The strategic plan shall do all of the following:
- (a) Divide this state into regions.
  - (b) Identify lands managed by the department in each region.
  - (c) Set forth for each region measurable strategic performance goals with respect to all of the following for land managed by the department:
    - (i) Maximizing availability of points of access to the land and to bodies of water on or adjacent to the land.
    - (ii) Maximizing outdoor recreation opportunities.
    - (iii) Forests.
    - (iv) Wildlife and fisheries.
  - (d) To assist in achieving the goals set forth in the strategic plan pursuant to subdivision (c), identify all of the following:
    - (i) Land to be acquired.
    - (ii) Land to be disposed of.
    - (iii) Plans for natural resource management.
  - (e) To the extent feasible, identify public lands in each region that are not managed by the department but affect the achievement of the goals set forth in the strategic plan pursuant to subdivision (c).
  - (f) Identify ways that the department can better coordinate the achievement of the goals set forth in the strategic plan pursuant to subdivision (c), recognizing that public lands are subject to multiple uses and both motorized and nonmotorized uses.
- (9) The department shall not implement the strategic plan as it applies to land north of the Mason-Arenac line. This subsection does not apply after the enactment of legislation adopting the strategic plan.
- (10) The department shall annually report on the implementation of the plan and submit and post the report in the manner provided in subsection (7).
- (11) Beginning July 2, 2020 and every 6 years thereafter, the department shall update the strategic plan and submit and post the updated plan in the manner provided in subsection (7). At least 60 days before posting the updated plan, the department shall prepare, submit, and post in the manner provided in subsection (7) a report on progress toward the goals set forth pursuant to subsection (8)(c) in portions of this state where, subject to subsection (9), the plan is being implemented and any proposed changes to the goals, including the rationale for the changes. The submittal and posting shall include department contact information for persons who wish to comment on the report.
- (12) At least 30 days before acquiring or disposing of land, the department shall submit to the senate and house committees with primary responsibility for natural resources and outdoor recreation and the corresponding appropriations subcommittees a statement identifying the land and describing the effect of the proposed transaction on achieving the goals set forth in the strategic plan pursuant to subsection (8)(c). The statement shall include department contact information for persons who wish to comment on the acquisition or disposition and be in a standard format. The department shall also post the statement on its website for at least 30 days before the acquisition or disposition. This subsection does not apply before the department submits the strategic plan to legislative committees as required under subsection (7).
- (13) The department may accept funds, money, or grants for development of salmon and steelhead trout fishing in this state from the government of the United States, or any of its departments or agencies, pursuant to the anadromous fish conservation act, 16 USC 757a to 757f, and may use this money in accordance with the terms and provisions of that act. However, the acceptance and use of federal funds does not commit state funds and does not place an obligation upon the legislature to continue the purposes for which the funds are made available.
- (14) The department may appoint persons to serve as volunteers for the purpose of facilitating the responsibilities of the department as provided in this part. Subject to the direction of the department, a volunteer may use equipment and machinery necessary for the volunteer service, including, but not limited to, equipment and machinery to improve wildlife habitat on state game areas.

(15) The department may lease lands owned or controlled by the department or may grant concessions on lands owned or controlled by the department to any person for any purpose that the department determines to be necessary to implement this part. In granting a concession, the department shall provide that each concession is awarded at least every 7 years based on extension, renegotiation, or competitive bidding. However, if the department determines that a concession requires a capital investment in which reasonable financing or amortization necessitates a longer term, the department may grant a concession for up to a 15-year term. A concession granted under this subsection shall require, unless the department authorizes otherwise, that all buildings and equipment shall be removed at the end of the concession's term. Any lease entered into under this subsection shall limit the purposes for which the leased land is to be used and shall authorize the department to terminate the lease upon a finding that the land is being used for purposes other



than those permitted in the lease. Unless otherwise provided by law, money received from a lease or a concession of tax reverted land shall be credited to the fund providing financial support for the management of the leased land. Money received from a lease of all other land shall be credited to the fund from which the land was purchased. However, money received from program-related leases on these lands shall be credited to the fund providing financial support for the management of the leased lands. For land managed by the forest management division of the department, that fund is either the forest development fund established pursuant to section 50507 or the forest recreation account of the Michigan conservation and recreation legacy fund provided for in section 2005. For land managed by the wildlife or fisheries division of the department, that fund is the game and fish protection account of the Michigan conservation and recreation legacy fund provided for in section 2010.

(16) When the department sells land, the deed by which the land is conveyed may reserve all mineral, coal, oil, and gas rights to this state only when the land is in production or is leased or permitted for production, or when the department determines that the land has unusual or sensitive environmental features or that it is in the best interest of this state to reserve those rights as determined by commission policy. However, the department shall not reserve the rights to sand, gravel, clay, or other nonmetallic minerals. When the department sells land that contains subsurface rights, the department shall include a deed restriction that restricts the subsurface rights from being severed from the surface rights in the future. If the landowner severs the subsurface rights from the surface rights, the subsurface rights revert to this state. The deed may reserve to this state the right of ingress and egress over and across land along watercourses and streams. Whenever an exchange of land is made with the United States government, a corporation, or an individual for the purpose of consolidating the state forest reserves, the department may issue deeds without reserving to this state the mineral, coal, oil, and gas rights and the rights of ingress and egress. The department may sell the limestone, sand, gravel, or other nonmetallic minerals. However, the department shall not sell a mineral or nonmetallic mineral right if the sale would violate part 353, part 637, or any other provision of law. The department may sell all reserved mineral, coal, oil, and gas rights to such lands upon terms and conditions as the department considers proper and may sell oil and gas rights as provided in part 610. The owner of those lands as shown by the records shall be given priority in case the department authorizes any sale of those lands, and, unless the landowner waives that priority, the department shall not sell such rights to any other person. For the purpose of this section, mineral rights do not include rights to sand, gravel, clay, or other nonmetallic minerals.

(17) The department may enter into contracts for the sale of the economic share of royalty interests it holds in hydrocarbons produced from devonian or antrim shale qualifying for the nonconventional source production credit determined under section 45k of the internal revenue code of 1986, 26 USC 45k. However, in entering into these contracts, the department shall assure that revenues to the natural resources trust fund under these contracts are not less than the revenues the natural resources trust fund would have received if the contracts were not entered into. The sale of the economic share of royalty interests under this subsection may occur under contractual terms and conditions considered appropriate by the department and as approved by the state administrative board. Funds received from the sale of the economic share of royalty interests under this subsection shall be transmitted to the state treasurer for deposit in the state treasury as follows:

(a) Net proceeds allocable to the nonconventional source production credit determined under section 45k of the internal revenue code of 1986, 26 USC 45k, under this subsection shall be credited to the environmental protection fund created in section 503a.

(b) Proceeds related to the production of oil or gas from devonian or antrim shale shall be credited to the natural resources trust fund or other applicable fund as provided by law.

(18) As used in this section:

(a) "Concession" means an agreement between the department and a person under terms and conditions as specified by the department to provide services or recreational opportunities for public use.

(b) "Lease" means a conveyance by the department to a person of a portion of this state's interest in land under specific terms and for valuable consideration, thereby granting to the lessee the possession of that portion conveyed during the period stipulated.

(c) "Mason-Arenac line" means the line formed by the north boundaries of Mason, Lake, Osceola, Clare, Gladwin, and Arenac counties.

(d) "Natural resources trust fund" means the Michigan natural resources trust fund established in section 35 of article IX of the state constitution of 1963 and provided for in section 1902.

(e) "Net proceeds" means the total receipts received from the sale of royalty interests under subsection (17) less costs related to the sale. Costs may include, but are not limited to, legal, financial advisory, geological or reserve studies, and accounting services.

(f) "Strategic plan" or "plan" means the plan developed under subsection (7).

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1996, Act 133, Imd. Eff. Mar. 19, 1996;—Am. 1998, Act 117, Imd. Eff. June 9, 1998;—Am. 1998, Act 419, Imd. Eff. Dec. 29, 1998;—Am. 2004, Act 587, Eff. Dec. 23, 2006;—Am. 2011, Act 65, Imd. Eff. June 28, 2011;—Am. 2012, Act 240, Imd. Eff. July 2, 2012;—Am. 2012, Act 294, Imd. Eff. Aug. 1, 2012.

**Compiler's note:** Enacting section 2 of Act 587 of 2004 provides:

"Enacting section 2. This amendatory act does not take effect unless House Joint Resolution Z of the 92nd Legislature becomes a part of the state constitution of 1963 as provided in section 1 of article XII of the state constitution of 1963."

**Popular name:** Act 451

**Popular name:** NREPA

**Administrative rules:** R 323.2101 et seq. and R 324.1501 et seq. of the Michigan Administrative Code.

### **324.503a Environmental protection fund.**

Sec. 503a. (1) The environmental protection fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the environmental protection fund. The state treasurer shall direct the investment of the environmental protection fund. The state treasurer shall credit to the environmental protection fund interest and earnings from fund investments.

(3) Money in the environmental protection fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) Money in the environmental protection fund shall be expended, upon appropriation, only for such purposes as are specifically provided by law.

**History:** Add. 1996, Act 133, Imd. Eff. Mar. 19, 1996.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.503b Divestment from terror act; compliance by state treasurer.**

Sec. 503b. The state treasurer shall comply with the divestment from terror act in making investments under this act.

**History:** Add. 2008, Act 236, Imd. Eff. July 17, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.504 Department of natural resources; rules for protection and preservation of lands and property; duties of department; report; applicability of subsections (2) and (3) to commercial forestland; certain rules prohibited; orders; violation as civil infraction; fine.**

Sec. 504. (1) The department shall promulgate rules to protect and preserve lands and other property under its control from depredation, damage, or destruction or wrongful or improper use or occupancy.

(2) Subject to subsection (4), the department shall do all of the following:

(a) Keep land under its control open to hunting unless the department determines that the land should be closed to hunting because of public safety, fish or wildlife management, or homeland security concerns or as otherwise required by law.

(b) Manage land under its control to support and promote hunting opportunities to the extent authorized by law.

(c) Manage land under its control to prevent any net decrease in the acreage of such land that is open to hunting.

(3) Subject to subsection (4), by April 1, 2010 and each year thereafter, the department shall submit to the legislature a report that includes all of the following:

(a) The location and acreage of land under its control previously open to hunting that the department closed to hunting during the 1-year period ending the preceding March 1, together with the reasons for the closure.

(b) The location and acreage of land under its control previously closed to hunting that the department opened to hunting during the 1-year period ending the preceding March 1 to compensate for land closed to hunting under subdivision (a).

(4) Subsections (2) and (3) do not apply to commercial forestland as defined in section 51101.

(5) This section does not authorize the department to promulgate a rule that applies to commercial fishing except as otherwise provided by law.

(6) The department shall not promulgate or enforce a rule that prohibits an individual who is licensed or exempt from licensure under 1927 PA 372, MCL 28.421 to 28.435, from carrying a pistol in compliance with that act, whether concealed or otherwise, on property under the control of the department.

(7) The department shall issue orders necessary to implement rules promulgated under this section. These orders shall be effective upon posting.

(8) A person who violates a rule promulgated under this section or an order issued under this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1996, Act 171, Imd. Eff. Apr. 18, 1996;—Am. 2004, Act 130, Imd. Eff. June 3, 2004;—Am. 2009, Act 47, Imd. Eff. June 18, 2009.

**Popular name:** Act 451

**Popular name:** NREPA

**Administrative rules:** R 299.291a et seq. and R 299.921 et seq. of the Michigan Administrative Code.

### **324.505 Federal fish stock and programs; application; listing of programs supplied to legislature.**

Sec. 505. The department, in pursuing the state's policy of propagating fish for the purpose of stocking the streams and lakes of the state, shall accept federal fish stock for such programs, and shall apply for all federal fish stock programs that do not commit the state to future expenditures.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.506 Availability of writings to public; report to governor and legislature.**

Sec. 506. (1) A writing prepared, owned, used, in the possession of, or retained by the department or the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

(2) Before January 16 of each year in which a regular session of the legislature is held, the department shall make to the governor and the legislature a report covering the operation of the department of natural resources for the preceding biennial period. The report, if ordered by the department of management and budget, shall be printed and distributed in the manner and to the persons as the board directs. The report shall be made available to the public as prescribed in subsection (1).

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.507 Declaration of necessity.**

Sec. 507. This part is declared to be immediately necessary for the preservation of the public health, safety, and welfare and the environment.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.508 Fees and rentals for photographic or publication products or services; disposition and use; limitation; unexpended fees and rentals.**

Sec. 508. The department may establish and collect fees and rentals for any photographic or publication products or services that the department provides. The fees and rentals shall be credited to a separate fund of the state treasury and shall be available for appropriation to the department of natural resources and used to provide the photographic or publication products or services. The fees and rentals shall not exceed the material costs to the department of providing the products or services. In addition, the expenditures made in a fiscal year to provide the photographic and publication products or services shall not exceed the amount appropriated for that purpose for that fiscal year, plus any amounts carried over from previous fiscal years, or the amount of fees and rentals actually received during that fiscal year, plus any amounts carried over from previous fiscal years, whichever is less. Any unexpended fees and rentals collected pursuant to this section, along with any excess collections from prior fiscal years, shall be carried over into subsequent fiscal years and shall be available for appropriation for the purposes described in this section.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA



**324.509 Permit for use of state parks; disposition of revenue from permit fees and concessions at state parks; use of fees for processing applications for use of state forests; creation of forest land user fund.**

Sec. 509. (1) The department may require that a person obtain a permit for the use of a state park. The department may establish and collect fees for permits to use state parks. The revenue realized by the department from permit fees and concessions at state parks shall be credited to a separate fund of the state treasury and shall be available for appropriation to the department of natural resources for improvement and maintenance of state parks.

(2) The department may establish and collect fees to cover the costs to the department for the processing of applications and for monitoring of permits for the use of state forests that require extensive review. The forest land user fund is created in the state treasury. Money received under this subsection shall be credited to the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments. Money remaining in the fund at the end of a fiscal year shall be carried over in the fund to the next and succeeding fiscal year. Money in the fund may be appropriated to the department to cover the costs of reviewing applications and monitoring of permits for the use of state forests.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 420, Imd. Eff. Dec. 29, 1998.

**Popular name:** Act 451

**Popular name:** NREPA

**324.509a MacMullan conference center account; creation and establishment; deposits; purpose; annual report.**

Sec. 509a. There is hereby created and established under the jurisdiction and control of the department a revolving account to be known as the MacMullan conference center account. All of the fees and other revenues generated from the operation of the MacMullan conference center shall be deposited in the MacMullan conference center account. Appropriations shall be made from the account for the support of program operations and the maintenance and operation of the facility, and shall not exceed the estimated revenues for the fiscal year in which they are made, together with any unexpended balances from prior years. The department shall submit an annual report of operations and expenditures regarding the MacMullan conference center account to the appropriations committees of the senate and house of representatives and the house and senate fiscal agencies at the end of the fiscal year.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.509b MacMullan conference center; restrictions on availability.**

Sec. 509b. The MacMullan conference center shall be available only to the following:

- (a) The department.
- (b) Federal, state, and local government agencies.
- (c) Education institutions.
- (d) Nonprofit corporations or associations organized pursuant to the nonprofit corporation act, 1962 PA 162, MCL 450.2101 to 450.3192.
- (e) Community service clubs.
- (f) Groups of persons with disabilities.
- (g) Members of the legislature for purposes related to the business of the legislature.
- (h) Entities and organizations that wish to use the conference center to host an event that has a natural resources or environmental agenda.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1998, Act 86, Imd. Eff. May 13, 1998.

**Popular name:** Act 451

**Popular name:** NREPA

**324.510 Disposition of certain reimbursements and other money; disposition and use of aircraft fees; limitation.**

Sec. 510. (1) Money received by the department of natural resources for reimbursement of damages to department of natural resources property, reimbursement of land recording fees, sale of farm animals from Maybury state park, reimbursement for utilities for the Michigan state exposition and fairgrounds, reproduction of the agenda of the commission or other meetings of the department, reimbursement for forest fire protection services provided to the federal government or other states, and money received from forfeited

cash bonds, security bonds, and court ordered reimbursements may be credited to the accounts from which these disbursements were or are to be made.

(2) The department may establish and collect fees for use of aircraft and pilots of the department of natural resources. The aircraft fees collected shall be credited to a separate fund of the state treasury and shall be available for appropriation to the department of natural resources and used to pay all operating and maintenance costs of the aircraft, including depreciation and aircraft replacement, but shall not exceed the fee revenue collected for the fiscal year together with any unexpended balances of prior years.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.511 Fees for department of natural resources magazine, publications, and related materials; disposition and use of fees; retained earnings; disposition of unexpended fees and excess collections; annual allocation to magazine account; accounting records; report.**

Sec. 511. The department may establish and collect fees for the department of natural resources magazine, publications, and related materials. Fees collected shall be credited to a separate fund of the state treasury and shall be available for appropriation to the department of natural resources and used to pay all direct and indirect operating costs of the magazine and for the purchase of other related publications and materials. The retained earnings balance of the magazine at the end of the fiscal year shall not fall below the retained earnings balance at the end of the prior fiscal year. Any unexpended fees collected pursuant to this section, along with any excess collections from prior fiscal years, shall be carried over into subsequent fiscal years and shall be available for appropriation for the purposes described in this section. The magazine account shall receive an annual allocation of interest earned by the state treasurer's common cash fund on cash balances of the magazine in accordance with procedures established by the state treasurer. Accounting records of the magazine shall be maintained on an accrual basis in accordance with generally accepted accounting principles, including the establishment of separate asset, liability, and equity accounts for the magazine. On March 1 of each year, the department shall report to the appropriations committees of the house of representatives and senate and the house and senate fiscal agencies the status of the natural resources magazine program as of the end of the prior fiscal year.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.512 Film production located in state; authorization by director or commission to use property; exception; cooperation with Michigan film office; definitions.**

Sec. 512. (1) The director may authorize a person engaged in the production of a film in this state to use without charge property owned by or under the control of the department for the purpose of producing a film under terms and conditions established by the director. The economic and other benefits to this state of film production located in this state shall be considered to be the value received by this state in exchange for the use of property under this section.

(2) The director or the commission shall not authorize the use of property owned by or under the control of the department for the production of a film that includes obscene matter or an obscene performance or for a production for which records are required to be maintained with respect to any performer under 18 USC 2257.

(3) The department shall cooperate with the Michigan film office in providing the office with information about potential film locations owned by or under the control of the department and the use of property owned by or under the control of the department.

(4) As used in this section:

(a) "Film" means single media or multimedia entertainment content for distribution or exhibition to the general public by any means and media in any digital media format, film, or videotape, including, but not limited to, a motion picture, a documentary, a television series, a television miniseries, a television special, interstitial television programming, long-form television, interactive television, music videos, interactive games, video games, commercials, internet programming, an internet video, a sound recording, a video, digital animation, or an interactive website.

(b) "Michigan film office" means the Michigan film office created in section 29a of the Michigan strategic fund act, 1984 PA 270, MCL 125.2029a.

(c) "Obscene matter or an obscene performance" means matter described in 1984 PA 343, MCL 752.361 to

752.374.

**History:** Add. 2008, Act 82, Imd. Eff. Apr. 8, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

**324.513 Gift certificates.**

Sec. 513. Beginning not later than March 1, 2009, the department shall offer to the public 1 or more gift certificates redeemable for at least all of the following:

- (a) Hunting and fishing license fees under part 435.
- (b) State park motor vehicle permit and camping fees under part 741.
- (c) Mooring fees under part 781.
- (d) Off-road vehicle license fees under part 811.
- (e) Snowmobile license fees under part 821.

**History:** Add. 2008, Act 293, Imd. Eff. Oct. 6, 2008.

**Popular name:** Act 451

**Popular name:** NREPA